

## PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	de Groot, et al.	Examiner:	Unassigned
Serial No:	10/049,473	Group Art Unit:	Unassigned
Confirmation No:	4102	Docket:	294-120 PCT/US
Filed:	February 12, 2002	Dated:	July 23, 2002
For:	PNEUMOCOCCAL VACCINES		

Commissioner for Patents  
Washington, DC 20231

I hereby certify this correspondence is being deposited  
with the United States Postal Service as first class mail,  
postpaid in an envelope, addressed to:  
Commissioner for Patents, Washington, DC 20231

on July 23, 2002  
Signature: Julie L. Watts

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:


In response to a Notice of Missing Requirements Under 35 U.S.C. §371 in the United States Designated Elected Office (DO/EO/US), mailed May 29, 2002, Applicant enclose herewith the following:

1. Combined Declaration and Power of Attorney executed by the inventor;
2. Copy of Notification of Missing Requirements under 35 U.S.C. 371; and
3. A check in the amount of \$130.00 to cover the surcharge for providing the oath or declaration later than thirty (30) months (37 C.F.R. 1.492(e)).
4. Transmittal of Sequence Listing; paper copy of "Sequence Listing"; and computer-readable form copy of the "Sequence Listing".
5. Supplemental Preliminary Amendment canceling all of the claims, including the additional claims for which fees are due. Therefore, no additional claims fees are due. New claims have been added for which it is believed no additional fee is required.

Applicants are not enclosing the additional claim fee of \$352.00 since a Supplemental Preliminary Amendment is being filed concurrently herewith canceling all claims, including the additional claims for which fees are due. Therefore, no additional claims fees are due. New claims have been added for which it is believed that no additional fees are required.

If any additional fees are due or an overpayment has been made, please charge our Deposit Account No. 08-2461 or credit our Deposit Account for such sum. A duplicate copy of this sheet is enclosed for that purpose.

Respectfully submitted,

  
Edna I. Gergel, Ph.D.  
Registration No: 50,819  
Agent for Applicant

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(516) 822-3550  
EIG:jlw

158391\_1

Attorney Docket No. 294-120 PCT/US

In re Application of: de Groot, et al.  
 Serial No.: 10/049,473  
 Confirmation No.: 4102  
 Filed: February 12, 2002  
 For: PNEUMOCOCCAL VACCINES

COMMISSIONER FOR PATENTS  
 Washington, DC 20231

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 Commissioner for Patents, Washington, D.C. 20231  
 on July 23, 2002

Signature: Julie L. Watts

Sir:

Transmitted herewith is an Amendment in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	* 19	MINUS	** 21	= 0
INDEP.	* 12	MINUS	*** 12	= 0

SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
RATE	ADDL. FEE		RATE	ADDL. FEE
x 9=	\$	OR	x 18=	\$
x 42=	\$		x 84=	\$0.00
x 140=	\$		x 280=	\$
TOTAL	\$ 0.00		TOTAL	\$ 0.00

☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS

- ☐ Please charge my Deposit Account No. 08-2461 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is attached.
- ☐ A check in the amount of \$\_\_\_\_\_ is attached.
- ☒ The Commissioner is hereby authorized to charge any fees or additional fees associated with this communication or credit any overpayment to Deposit Account No. 08-2461. A duplicate copy of this sheet is attached.
- ☒ Any filing fees under 37 C.F.R. 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,

HOFFMANN & BARON, LLP  
 6900 Jericho Turnpike  
 Syosset, NY 11791  
 (516) 822-3550  
 EIG:jlw

Edna I. Gergel  
 Edna I. Gergel, Ph.D.  
 Registration No. 50,819

PCT

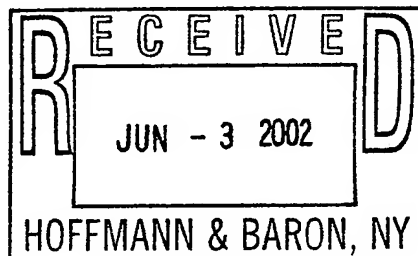


UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/049,473	Ronald De Groot	294-120 PCT/US

Ronald J Baron  
 Hoffmann & Baron  
 6900 Jericho Turnpike  
 Syosset, NY 11791



INTERNATIONAL APPLICATION NO.	
PCT/NL00/00569	
I.A. FILING DATE	PRIORITY DATE
08/14/2000	08/13/1999

CONFIRMATION NO. 4102  
 371 FORMALITIES LETTER  
  
 \*OC00000008182923\*

Date Mailed: 05/29/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - **APPLICANT MUST PROVIDE:**
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)
- Additional claim fees of **\$352** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$482** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$352**
  - **\$72** for 5 total claims over 20.
  - **\$280** for multiple dependant claims surcharge.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

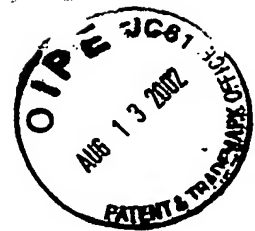
CHARITTA A BURT

Telephone: (703) 305-3734

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/049,473	PCT/NL00/00569	294-120 PCT/US

FORM PCT/DO/EO/905 (371 Formalities Notice)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	de Groot, et al.	Examiner:	Unassigned
Serial No.:	10/049,473	Group Art Unit:	Unassigned
Filed:	February 12, 2002	Docket:	294-120 PCT/US
For:	PNEUMOCOCCAL VACCINES	Dated:	August 8, 2002

Commissioner for Patents  
Washington, DC 20231

*I hereby certify this correspondence is being deposited  
with the United States Postal Service as first class mail,  
postpaid in an envelope, addressed to: Commissioner  
for Patents, Washington, D.C. 20231  
on August 8, 2002*

Signature: *Nicole E. Rios*

REQUEST FOR REFUND

Sir:

On May 29, 2002 the United States Patent and Trademark Office issued a Notification of Missing Requirements under 35 U.S.C. §371, which states that an additional claim fee of \$352.00 is due. The \$352.00 included \$72.00 for 5 total claims over 20 and \$280.00 for multiple dependent claims surcharge. The Notification further states that Applicants must submit the additional claim fees or cancel the additional claims for which fees are due. A copy of the Notification is enclosed. Please see the highlighted portion on page 2 of the Notification.

On July 23, 2002, Applicants responded to the Notification of Missing Requirements under 35 U.S.C. §371. In the Response to the Notification, at point 5 and at the first paragraph on page 2, stated that a Supplemental Preliminary Amendment was submitted concurrently canceling all the claims, including the ones for which fees are due (copy enclosed).

As stated above, the Supplemental Preliminary Amendment canceled all the claims (including the multiple dependent claims and the additional claims over 20) and added new

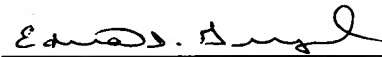
Application Serial No.: 10/049,473  
Filing Date: February 12, 2002  
Docket: 294-120 PCT/US  
Page 2 of 2

claims (copy enclosed). As a result of the Supplemental Preliminary Amendment, there are currently a total of 19 claims, of which 12 are independent claims. The highest number previously paid for was 21 total claims, of which 12 were independent claims. A copy of the Amendment transmittal is enclosed. Therefore, no additional claim fees are due.

Despite canceling the additional claims over 20 and the multiple dependent claims, the PTO charged the deposit account for these claims on August 5, 2002. A copy of the deposit account statement is enclosed. Accordingly, Applicants are requesting a refunding for these charges.

Please refund the total amount of \$352.00 (\$72.00 for 5 claims over 20 and \$280.00 for multiple claims surcharge), by crediting our deposit account No.: **08-2461** for the full amount.

Respectfully submitted,



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Edna I. Gergel, Ph.D.  
Registration No: 50,819  
Agent for Applicant(s)

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